

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

YOHAN CROSS,

Plaintiff,

v.

JOHN-JANE DOE #1, *et al.*,

Defendants.

Case No. 2:21-cv-00693-JAM-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On April 30, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 9. I notified plaintiff that the complaint failed to state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff failed to timely file an amended complaint. Accordingly, on July 22, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 10. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to comply with the July 22 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise responded to the July 22, 2021 order. Accordingly, it is hereby RECOMMENDED that:

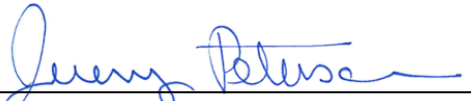
1. This action be dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim for the reasons set forth in the April 30, 2021 order. *See* ECF No. 9.

1           2. The Clerk of Court be directed to close the case.

2           These findings and recommendations are submitted to the United States District Judge  
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
4 after being served with these findings and recommendations, any party may file written  
5 objections with the court and serve a copy on all parties. Such a document should be captioned  
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
7 objections shall be served and filed within fourteen days after service of the objections. The  
8 parties are advised that failure to file objections within the specified time may waive the right to  
9 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
10 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11  
12 IT IS SO ORDERED.

13  
14 Dated: November 5, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE